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OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

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TELECOMMUNICATIONS & ENERGY

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August 13, 1999

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Magalie Roman Salas, Secretary
Federal Communications Commission
Portals II, 445 12th Street SW, Suite TW-A325
Washington, DC 20554

re: NSD-L-99-55, DA 99-1380, CC Docket 96-98
In the Matter of the Public Utility Commission of Texas' Petition for Expedited
Decision for Delegation of Authority to Implement Number Conservation Measures

Dear Ms. Salas:

Enclosed for filing in the above matter please find one original and five copies of the Massachusetts Department of Telecommunications and Energy's Comments in Support of the Public Utility Commission of Texas' Petition for Expedited Decision for Delegation of Authority to Implement Number Conservation Measures. Kindly stamp one copy and return it to us in the enclosed self-addressed Federal Express envelope. I have filed a copy of these comments electronically with the Commission's ECFS service (proceeding number 96-98).

Sincerely,

Karlen J. Reed
Karlen J. Reed, Esq.

KJR/kr
Enc.

cc: MDTE Commission (w/enc.)
Paul G. Afonso, General Counsel, MDTE (w/enc.)
Attached Service List (w/enc.)

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The Commonwealth of Massachusetts
DEPARTMENT OF
TELECOMMUNICATIONS AND ENERGY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

NSD-L-99-55
DA 99-1380
CC Docket 96-98

MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY'S
COMBINED COMMENTS IN SUPPORT OF THE PUBLIC UTILITY COMMISSION OF
TEXAS' PETITION FOR EXPEDITED DECISION FOR DELEGATION OF
AUTHORITY TO IMPLEMENT NUMBER CONSERVATION MEASURES

Massachusetts Department of
Telecommunications and Energy

Janet Gail Besser, Chair
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W. Robert Keating, Commissioner
Paul B. Vasington, Commissioner
Eugene J. Sullivan, Jr., Commissioner

One South Station, 2nd Floor
Boston, MA 02110
617-305-3500

Dated: August 13, 1999



Before the
FEDERAL COMMUNICATIONS COMMISSION
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COMBINED COMMENTS IN SUPPORT OF THE PUBLIC UTILITY COMMISSION OF
TEXAS' PETITION FOR EXPEDITED DECISION FOR DELEGATION OF
AUTHORITY TO IMPLEMENT NUMBER CONSERVATION MEASURES

In response to the Common Carrier Bureau ("Bureau") of the Federal Communications Commission's ("FCC" or "Commission") Public Notices released July 14, 1999, the Massachusetts Department of Telecommunications and Energy ("Department") respectfully submits these comments in support of the Public Utility Commission of Texas' ("PUCT") Petition for Expedited Decision for Delegation of Authority to Implement Number Conservation Measures ("Petition"). In its Petition, the PUCT seeks additional authority to implement (1) thousand block number pooling, (2) unassigned number porting, (3) reclamation of unused NXX codes, and (4) utilization and forecast information procedures.

The Department supports the PUCT's Petition because granting the Petition will allow Texas to create innovative solutions tailored to the numbering issues that are particular to Texas' circumstances. The Department notes that Texas' requests may be considered under the Commission's May 27, 1999, Notice of Proposed Rulemaking

("May 27, 1999 NPRM") on numbering issues,¹ though resolution of the NPRM may come too late for some of Texas's critical area codes, like the 817 area code (Petition at 6-7).

I. BACKGROUND

On September 28, 1998, the Commission issued a Memorandum Opinion and Order which outlined state commission authority to order the implementation of exchange code conservation methods. In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 312, 610, 215, and 717; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, FCC 98-224, NSD File No. L-97-42 (published November 16, 1998, Fed. Reg., 13 FCC Red. 19009) ("Pennsylvania Opinion"). Several petitions for reconsideration, such as the Department's petition filed October 28, 1998,² are currently being considered by the Commission, as are comments received from the May 27, 1999 NPRM.

On July 2, 1999, the PUCT filed its Petition to avoid the need to introduce unwarranted are code relief (Petition at 1). On July 14, 1999, the Commission released its

¹ On May 27, 1999, the Commission adopted a Notice of Proposed Rulemaking ("May 27, 1999 NPRM") to consider measures intended to increase the efficiency with which telecommunications carriers use telephone numbers. Notice of Proposed Rulemaking, FCC 99-122 (released May 27, 1999).

² The Department filed a Petition for Reconsideration of the FCC's September 28, 1998, Opinion, on October 28, 1998, NSD-L-97-42, CC Docket 96-98.

public notice seeking comment on the issues presented in the PUCT Petition.³ Texas joins Massachusetts, New York, Maine, Florida, and California in having filed petitions with the Commission for additional authority to implement code conservation measures.⁴

II. DISCUSSION

The FCC has encouraged state commissions to develop creative and innovative solutions to numbering issues (Pennsylvania Opinion at ¶¶ 30-31). The petitions of Texas, Massachusetts, Maine, New York, Florida, and California are the first steps in developing such solutions. The Department supports the PUCT's Petitions because the PUCT's proposed code conservation measures offer significant opportunities to relieve the pressures of premature exchange code exhaust confronting Texas.

The Department has presented its supporting views on many of the code

³ FCC Public Notice - "Common Carrier Bureau Seeks Comment on the Texas Public Utility Commission petition for Delegation of Additional Authority to Implement Number Conservation Measures (NSD File No. L-99-55, CC Docket 96-98)."

⁴ The Department filed a Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes on February 17, 1999 (FCC Public Notice DA 99-461, NSD-L-99-19, released March 5, 1999). The New York State Department of Public Service filed a Petition for Additional Delegated Authority to Implement Number Conservation Measures on February 19, 1999 (FCC Public Notice DA 99-462, NSD-L-99-21, released March 5, 1999). The Maine Public Utilities Commission filed a Petition for Additional Delegated Authority to Implement Number Conservation Measures on March 17, 1999 (FCC Public Notice DA 99-638, NSD-L-99-27, released April 1, 1999). The California Public Utilities Commission filed a Request for Delegation of Additional Authority Pertaining to Area Code Relief and to NXX Code Conservation Measures (FCC Public Notice NSD-L-98-136, released May 14, 1999) and a Petition for a Waiver to Implement a Technology-Specific or Service-Specific Area Code (NSD-L-99-36, CC Docket 96-98, released May 14, 1999).

conservation methods enumerated by the PUCT in comments and reply comments filed by the Department on various state code conservation petitions.⁵ The Department will not consume the Commission's limited time with repeating those arguments. The Department draws the Commission's specific attention to Chairman William Kennard's remarks to state commissioners at the recent NARUC summer meeting:⁶

I don't need to tell you that we are facing an area-code crisis. If current demand keeps up, sometime in the next six to 16 years we will run out of phone numbers. In the meantime, we're adding area codes at a steady clip. This may staunch the problem, but as you know, being on the frontlines in the states, this does not help consumers and businesses who are sick and tired of changing their phone numbers. ...we are doing something smart, we are going to let the states solve this problem. Because we at the FCC understand the bind that the states are in; that you feel that your hands are tied. We now have petitions pending from six states. I believe that we should be granting the states the authority that they need, and I am optimistic that by the time the summer ends, we will have dealt with most of these petitions. But this is only an interim solution. That's why this past May we proposed rules on ways to reach long term solutions, and I hope that we can adopt new rules in the coming year. I am committed to working with you to balance the national interest with the concerns of the states and the needs of consumers everywhere. It's the smart thing to do.

The Department is encouraged by Chairman Kennard's remarks and anxiously awaits the Commission's ruling telling us what the Department may and may not do. Prompt action delegating authority, including number pooling, to states like Texas and Massachusetts, is the best assistance the Commission can give to state commissions faced with the ordeal of implementing new area codes.

⁵ See MDTE Comments filed on the petitions enumerated in fns. 2-4.

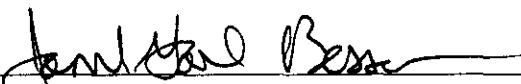
⁶ Speech by Chairman Kennard to NARUC, July 19, 1999, at San Francisco, CA.

III. CONCLUSION

The Department supports the PUCT's Petition and the efforts of the PUCT to address its numbering issues with several well-chosen code conservation methods. The Commission should delegate to the PUCT the requested additional authority as set forth in the Petition. The PUCT Petition presents useful, creative, and innovative proposals on code conservation for the Commission's consideration. For the foregoing reasons, we support the Petition for Expedited Decision for Delegation of Authority to Implement Number Conservation Measures filed by the Public Utility Commission of Texas on July 14, 1999.

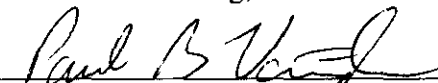
Respectfully submitted,
Massachusetts Department of
Telecommunications and Energy

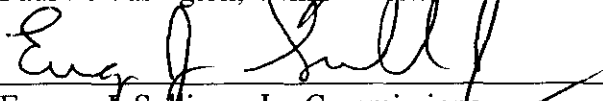
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Conservation Measures)	
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